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MEMO ENDORSED

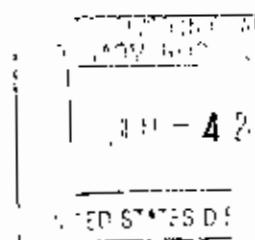
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June 4, 2008

BY HAND

Honorable Naomi R. Buchwald
United States District Court
Southern District of New York
United States Courthouse
500 Pearl St., Room 2270
New York, NY 10007

Re: Tombers v. Indymac Bank, F.S.B., 08 Civ. 5068 (NRB)(JCF)

Dear Judge Buchwald:

We represent defendant Indymac Bank, F.S.B. ("Defendant") and write to request an adjournment of Defendant's time to answer, move, or otherwise respond to Plaintiff's complaint. Yesterday, June 3, 2008, this action was removed to this Court from New York State Supreme Court. *The defendant* *should* *submit a* *letter seeking* *leave to move,* *here to* *move,* *attempted to obtain the consent of Plaintiff's counsel, but he has refused to consent to the adjournment.* *Therefore, we respectfully request that the Court extend Defendant's time to answer, move, or otherwise respond to the Complaint from June 9, 2008 to July 9, 2008.*

This is the Defendant's first request for an extension of time. The request is being made due to *the complexity of the preemption issues that will be raised in Defendant's motion to dismiss.* We have *attempted to obtain the consent of Plaintiff's counsel, but he has refused to consent to the adjournment.* Therefore, we respectfully request that the Court extend Defendant's time to answer, move, or otherwise respond to the Complaint from June 9, 2008 to July 9, 2008.

Respectfully Submitted,

Casey D. Laffey

Order
Casey D. Laffey
leave to move,
answer time
is extended
until the Court's
ruling on whether
leave will be granted.

cc: Roger J. Bernstein, Esq.
(by overnight courier)James C. Shah, Esq.
(by overnight courier)